

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TRENTON SCHEIBE,

RESPONSE TO ORDER

Petitioner,

05-C-180-C

v.

NATIONAL BOARD OF MEDICAL EXAMINERS,

Respondent.

With this Response to Order dated May 10th, 2005, Petitioner requests to continue prosecuting this case on a claim for injunctive relief for all future tests administered to the Petitioner by the Respondent and also requests compensatory damages for Respondent's intentional discrimination.

Injunctive Relief

The injunctive relief requested is for accommodation under the Americans with Disabilities Act (ADA) for all future exams the Petitioner will be subjected to by Respondent in the Petitioner's pursuit of his medical career. Because of the Respondent's intentional discrimination and subsequent refusal for accommodation, Petitioner has been forced to retake the United States Medical Licensing Examination (USMLE) Steps 1 and 2 four times each. Through significant trial and tribulation and three unsuccessful attempts at each exam, Petitioner was eventually able to develop several "self-accommodation" techniques which enabled him to successfully pass both Step 1 and Step 2 on his

fourth attempt of each exam. Petitioner passed Step 1 on January 29, 2004 and passed Step 2 on February 8, 2005. Therefore, this injunctive relief request is specifically to charge the Respondent with the duty to recognize the Petitioner's past and future claims for accommodation under the ADA. This legal issue is particularly relevant since the Petitioner must also take and pass USMLE Step 3 before he can be licensed in any United States jurisdiction.

Compensatory Damages

Under Bartlett v. New York Law Examiners, 156 F. 3d 321 (2nd Cir 1998), the United States 2nd Circuit Court of Appeals states that "[t]he law is well settled that intentional violations of Title VI, and thus the ADA and the Rehabilitation Act, can call for an award of money damages." *Id.* Therefore, the Petitioner requests that Compensatory Damages also be considered in this suit.

Respectfully submitted this 24th day of May, 2005.

Trenton J. Scheibe